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Attorneys for Fertitta Enterprises, Inc.,  
and designated Nevada counsel for Estate of Tabas

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
  
USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
LLC,  
Debtor.

USA CAPITAL FIRST TRUST DEED FUND, LLC,  
Debtor.

USA SECURITIES, LLC,  
Debtor.

Affects:  
☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

Chapter 11

**EX PARTE APPLICATION FOR  
2004 EXAMINATION OF  
PERSON MOST  
KNOWLEDGEABLE OF  
MESIROW FINANCIAL  
INTERIM MANAGEMENT  
LLC  
(Affects USA CM ONLY)**

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The Estate of Daniel Tabas and Fertitta Enterprises, Inc. ("Applicants"), through their respective counsel, Jonathan J. Bart, Esq., and Janet L. Chubb, Esq., of Jones Vargas respectfully request an Order directing the person most knowledgeable of Mesirow Financial Interim Management LLC to appear for oral examination, on ten (10) days notice, pursuant to Bankruptcy Rule 2004, and in support thereof represents and alleges:

1. The examination of the person most knowledgeable of Mesirow Financial Interim Management is necessary to determine

a. the nature of the relationship between Debtor and Colt Gateway LLC, USA Capital Diversified Trust Fund, Fertitta Enterprises, Inc., and Daniel Tabas;

b. Debtor's relationship with and knowledge of the financial status of Colt Gateway LLC, and,

c. any other matter relevant to the direct loan to Colt Gateway LLC.

2. The Court may, for cause shown and on terms as it may impose, order the Debtor be examined under this Rule at any time or place it designates, whether within or without the district wherein the case is pending. Bankruptcy Rule 2004(d).

WHEREFORE, the Applicants, respectfully request that the Court issue an order directing person most knowledgeable of Mesirow Financial Interim Management LLC to appear for oral examination, on ten days notice, at the offices of Jones Vargas, 3773 Howard Hughes Parkway, 3<sup>rd</sup> Floor South, Las Vegas, NV 89169, pursuant to Bankruptcy Rule 2004.

DATED: January 25, 2007.

WILENTZ GOLDMAN & SPITZER P.A.

JONES VARGAS

//s//Jonathan J. Bart  
JONATHAN J. BART, ESQ.

//s//Louis M. Bubala III  
JANET L. CHUBB, ESQ.  
LOUIS M. BUBALA III, ESQ.